

Stavrianopoulos et al.
Serial No.: 08/486,070

Filed: June 7, 1995

Page 2 [Communication (Following Applicants' May 18, 1999 Third
Supplemental Amendment(- July 30, 1999))]



REMARKS

Claims 183-376 were previously presented in Applicants' May 18, 1999 Third Supplemental Amendment. These claims continue to be presented for further examination in this application, no changes having been requested in this Communication.

The purpose of this Communication is to present evidence bearing on the commercial success of products manufactured and distributed by Enzo Diagnostics, Inc., the instant assignee of this application. Marketed under Enzo's tradenames, Enzo Bioarray™ High Yield™ RNA Transcript Labeling Kit and BioArray™ Terminal Labeling Kit, these products are being distributed by a major array or gene chip company, Affymetrix, Inc. of Santa Clara, California, for use in connection with Affymetrix GeneChip® arrays. Attached to this Communication as Exhibit A are product specification sheets for the two foregoing products. Further attached as Exhibit B are product literature sheets for Enzo's aforementioned Bioarray™ High Yield™ RNA Transcript Labeling Kit distributed by Affymetrix, Inc. in connection with its gene chips. A May 27, 1998 news release announcing the distributorship agreement between Enzo and Affymetrix in which the former will be the sole supplier of nucleic acid labeling and detection products for Affymetrix' GeneChip® arrays worldwide is also attached as Exhibit C.

The instant Assignee is also the exclusive supplier of reagent products for labeling and detecting gene sequences in connection with Flow-thru Chip™ probe arrays manufactured and sold by Gene-Logic, Inc. of Gaithersburg, Maryland. A copy of a March 23, 1999 news release announcing Enzo's arrangement with Gene-Logic is attached as Exhibit D.

Consideration to the information and documents being submitted herewith in the form of Exhibits A-D is respectfully requested.

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SUMMARY AND CONCLUSIONS

Claims 183-376 continue to be presented for further examination.

No other fee is believed due in connection with this Communication, a three month extension fee having been previously authorized in connection with Applicants' July 21, 1998 Amendment Under 37 C.F.R. §1.115. In the event that any other fee or fees are due, however, either in connection with this Communication or with any of Applicants' previous filings, The Patent and Trademark Office is hereby authorized to charge the amount of any other such fee(s) to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If it would be helpful to expediting the prosecution of this application, the undersigned may be contacted by telephone at 212-583-0100 during the daytime business hours.

Early and favorable action on this application is respectfully sought.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ronald C. Fedus".

Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Floor)
New York, New York 10022
Telephone: (212) 583-0100
Facsimile: (212) 583-0150